

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Plaintiff,

v.

NEW RIVER TOWNSHIP, *et al.*,

Defendants.

Case No. 3:24-cv-00070-MMD-CLB

ORDER

*Pro se* Plaintiff, who is incarcerated in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983, and has filed an application to proceed *in forma pauperis*. (ECF Nos. 1-2, 1.)

Normally, the Court screens Plaintiff's civil rights complaint under 28 U.S.C. § 1915A. However, the Court notes that Plaintiff has filed an identical complaint in an earlier, different action styled *Goodrum v. New River Twp.*, Case No. 3:24-cv-00069-MMD-CSD. While it would appear easy to conclude that this was a mere clerical error or inadvertent mistake on Plaintiff's part, the simultaneously filed applications to proceed *in forma pauperis* ("IFP") and motions for leave to file complaint in each case are not identical. Compare *Goodrum*, 3:24-cv-00069-MMD-CSD ("*Goodrum I*"), Application to Proceed IFP (ECF No. 1) (using an IFP signed and dated November 14, 2023) and Motion for Leave to File (ECF No. 1-1) (asserting that Plaintiff is seeking to file a complaint that he voluntarily dismissed in state court) with 3:24-cv-00070-MMD-CLB ("*Goodrum II*"), Application to Proceed IFP (ECF No. 1) (using an IFP signed and dated January 30, 2024) and Motion for Leave to File (ECF No. 1-1) (asserting that he is removing a state court case).

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1           Regardless of these differences, the complaints filed in each case at ECF No. 1-2  
2 are identical. Duplicative litigation by a plaintiff proceeding IFP may be dismissed as  
3 malicious under 28 U.S.C. § 1915(e)(2)(B)(ii). *See Cato v. United States*, 70 F.3d 1103,  
4 1105 n.2 (9th Cir. 1995) (citing *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir.1988)  
5 (holding that repetitious litigation of virtually identical causes of action is subject to  
6 dismissal as malicious)); *Pittman v. Moore*, 980 F.2d 994, 994-95 (5th Cir. 1993) (holding  
7 that it is malicious for a “pauper” to file a lawsuit that duplicates allegations of another  
8 pending federal lawsuit by the same plaintiff). As such, the Court dismisses this action  
9 without prejudice as malicious.

10           It is therefore ordered that this action, *Goodrum II*, Case No. 3:24-cv-00070-MMD-  
11 CLB is dismissed without prejudice without leave to amend in this action because it is  
12 duplicative of claims that Plaintiff brings in an earlier filed action *Goodrum I*, Case No.  
13 3:24-cv-00069-MMD-CSD. If Plaintiff wishes to pursue the claims raised in this action, he  
14 must do so in Case No. 3:24-cv-00069-MMD-CSD.

15           It is further ordered that Plaintiff’s application to proceed *in forma pauperis* (ECF  
16 No. 1) is denied as moot.

17           The Clerk of Court is directed to enter judgment accordingly and close this case.

18           It is further ordered that this Court certifies that any *in forma pauperis* appeal from  
19 this order would not be taken “in good faith” under 28 U.S.C. § 1915(a)(3).

20           DATED THIS 22<sup>nd</sup> Day of October 2024.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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